

Order 221-16/17

Amended to delete, in Section 14-281(g), "Amendments brought forth by the city will require a supermajority of the City Council to take effect.": 9-0 on 5/1/2017

Passage as amended: 9-0 on 5/1/2017

Effective 5/31/2017

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**CITY OF PORTLAND
IN THE CITY COUNCIL**

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**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 14
Re: INSTITUTIONAL OVERLAY ZONE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:

That Chapter 14, Sections 14-277 to 14-282 of the Portland City Code are hereby amended as follows:

- Art. I. In General, § 14-1--14-15**
- Art. II. Planning Board, § 14-16--14-45**
- Art. III. Zoning, § 14-46--14-490**

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Div. 16. Waynflete School Overlay Zone, § 14-276--14-276.10

Div. 16.1. Institutional Overlay Zone (IOZ), § 14-277--14-293

Div. 17. B-7 Mixed Development District Zone, § 14-294-14-304

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DIVISION 16.1. INSTITUTIONAL OVERLAY ZONE (IOZ)

14-277.—Reserved. Purpose of the Institutional Overlay Zone

The Institutional Overlay Zone (IOZ) designation provides a regulatory mechanism available to the city's four major medical and higher education campuses where an improved regulatory structure is needed to facilitate a consistent, predictable, and clear growth management process. The purposes of the Institutional Overlay Zone are to:

- (a) Acknowledge that the city's major academic and medical institutions play a prominent role in the health and well-being of

the local and regional community, and in order to sustain that role, these institutions need flexibility to change and grow;

(b) Encourage proactive planning for institutional change and growth which identifies and addresses likely long-term institutional needs and cumulative impacts while leveraging potential benefits at the neighborhood, city, and regional level;

(c) Ensure that institutional change and growth both complements and, as appropriate, integrates adjacent or surrounding neighborhoods through carefully planned transitions;

(d) Support the formation and continuation of mutually beneficial public-private cooperation;

(e) Support an ongoing public engagement process that benefits both the institutions and nearby neighborhoods;

(f) Reflect Comprehensive Plan and other policy objectives;
and

(g) Provide a consistent regulatory approach to all major institutions which allows unique regulatory requirements that balance the particular needs of institutions with the needs of the surrounding neighborhood and wider community.

14-278.—Reserved. Location and Applicability

The city's four primary medical and higher education institutions are eligible to apply for designation as Institutional Overlay Zones. The Eligible Institutions are the two major hospital institutions of Maine Medical Center and Mercy Hospital and the two major academic institutions of University of Southern Maine and University of New England, their successors and assigns. Designation as an IOZ is the preferred mechanism where the Eligible Institution's proposed development is inconsistent with the existing zoning.

14-279.—Reserved. Establishment of an Institutional Overlay Zone

(a) Application for an Institutional Overlay Zone. Where the Eligible Institution seeks designation as an IOZ, they shall submit a zone change application consisting of two components:

1. An Institutional Development Plan (IDP) (see Section 14-280).
2. A Regulatory Framework (see Section 14-281) that would, when and if adopted, be the text and map amendment to the City's Land Use Code and Zoning Map.

(b) Required Public Involvement. At least two neighborhood meetings shall be required. The first shall be held prior to the formal submission of a zone change application for an Institutional

Overlay Zone and the second shall be held during the City's review. Meetings shall identify the concerns, if any, of affected residents and property owners, and inform the development of the Institutional Development Plan (IDP) and Regulatory Framework. Meetings shall be held in a convenient location proximate to the institution. The applicant shall provide written notification to property owners of record within 500 feet of the proposed IOZ boundary at least ten days prior to the meeting dates and maintain written records of the meetings.

(c) Required Scoping Meeting. The Eligible Institution shall meet with the Planning Authority after the first required neighborhood meeting and prior to submission of the zone change application to confirm the focus of the Institutional Development Plan (IDP) and Regulatory Framework, including associated study areas that may be outside of the proposed IOZ boundary. The IDP and Regulatory Framework will vary in detail and focus depending on the Eligible Institution and its particular context. The content requirements in Sections 14-280 and 14-281 and the comments from neighborhood meeting(s) shall provide direction for the content of the IDP. The Planning Authority or Planning Board may require additional information or modify content requirements as is relevant to the Eligible Institution (see Section 14-280(c)).

(d) Reviewing Authority.

1. The Planning Board shall review the zone change application, including the IDP and Regulatory Framework. At least one public workshop and a public hearing before the Planning Board are required.
2. Upon recommendation of the Planning Board, the City Council shall review and consider adoption of the Institutional Overlay Zone and the accompanying Regulatory Framework as an amendment to the city's code of ordinances.

(e) Future Institutional Development.

1. All new development by the Eligible Institution within the boundary of the IOZ shall be compliant with the IOZ and accompanying Regulatory Framework, consistent with the IDP, consistent with the Comprehensive Plan, and meet applicable site plan standards, unless such standards are superseded by the Regulatory Framework.
2. Any use/development proposed by the Eligible Institution outside the IOZ boundary that complies with the zoning for permitted uses in that location shall be reviewed under the standards of that zone. Any use/development proposed by an Eligible Institution outside of the IOZ boundary that is

proposed in a residential zone and is functionally related to the operations within the IOZ shall be addressed by the IDP and require an amendment to the IDP.

14-280.—Reserved. Institutional Development Plan (IDP)

(a) Purpose. Any use conducted by an Eligible Institution and any construction by an Eligible Institution in an Institutional Overlay Zone shall be consistent with an Institutional Development Plan (IDP) approved by the Planning Board in accordance with this ordinance. The purpose of the IDP is to establish baseline data about institutional land uses, facilities, and services and measure, analyze, and address the anticipated or potential impacts of planned institutional growth and change. The IDP shall serve as a background document that supports the proposed Regulatory Framework and frames subsequent site plan review(s).

(b) Planning Horizon. An IDP shall provide the city and abutting neighborhoods with a clear outline of the anticipated or potential growth and change of the Eligible Institution for the short- to medium-term (e.g. 1-5 and 5-10 years respectively), as well as a conceptual growth plan for the long-term (e.g. 10 years or more); however, the specific planning horizons for each institution will be determined as part of the IDP approval process.

(c) Content. The IDP submission shall address the following elements unless specifically modified by the Planning Authority or Planning Board, with the scope and level of detail to be clarified at the required Scoping Meeting:

1. Context Information

- a. The institution's adopted mission, vision, or purpose statement
- b. A summary of relevant baseline data on the institution, including:
 - i. A neighborhood context plan;
 - ii. An inventory of current programs and services;
 - iii. A current census of the number of people using the institution (e.g., employees, enrollment, patients), with an indication of maximums and minimums over time;
 - iv. An inventory and/or plan of all existing property holdings within the main campus

and within the City of Portland, including an indication of functional land use links between off-campus properties and the main campus (e.g. remote parking);

v. An inventory and/or plan of existing facilities, including data on use, floor area, and any existing functional connections between facilities.

c. A summary of the baseline characteristics of the existing campus and context of the institution, based on identified study areas, including:

i. A summary of existing resources, such as historic, open space, and natural resources;

ii. A summary of the existing transportation system, including vehicular, pedestrian, transit, bicycle, and parking supply, demand, and utilization;

iii. A summary of existing public infrastructure supporting the institution, including demand, utilization and any capacity issues;

iv. Relevant municipal plans, projects, and studies that may influence the IDP study area and opportunities for integrating institutional growth.

d. A summary of public involvement in the development of the IDP, including major areas of public concern.

2. Assessment of Future Institutional Growth and Change

a. A description of institutional needs and areas of future institutional growth and change, including:

i. Projected census of users (e.g., enrollment /employment/patient/visitor figures and anticipated variations over time);

ii. Institutional objectives for property both within and outside the IOZ boundary (e.g. acquisition and/or disposition), including an indication of any functional land use connection for sites outside the IOZ boundary to the main campus; and

iii. A Development Plan addressing anticipated or potential institutional needs and

physical improvements, including the proposed boundary of the IOZ and any phasing of the development.

b. Analysis and associated plans that address the following elements in terms of anticipated growth or potential impacts within the identified study area, and support the development parameters as set out in the Regulatory Framework:

i. Transportation and access

a. An analysis of the projected changes in parking demand, supply, and impacts to the off-street and on-street parking capacity, including an explanation of the proposed parking plan;

b. An analysis of the projected changes in vehicular, pedestrian, transit, and bicycle access routes and facilities, their capacity, and safety;

c. A transportation, access, and circulation plan, representing the synthesis of the analysis, and including a program of potential improvements or set of guidelines to address access deficiencies to and within the IOZ. The plan should outline proposed mechanisms and potential strategies to meet transportation objectives, including transportation demand management, phasing, and when a Traffic Movement Permit (TMP) may be required.

ii. Environment

a. An analysis of potential cumulative impacts on natural resources and open spaces;

b. An analysis of projected energy consumption, hazardous materials generation, noise generation, and similar issues as relevant;

c. An environmental plan, representing the synthesis of the analysis and including a proposed program or set of guidelines for future preservation,

enhancement, conservation, and/or mitigation.

iii. Infrastructure

- a. An analysis of projected public utility demand and the capacity of associated infrastructure;
- b. An analysis of projected public safety needs and projected impacts to the capacity of these services;
- c. An infrastructure plan, representing the synthesis of the analysis and including a proposed program or set of guidelines to support sustainable growth.

iv. Design

- a. An analysis of projected impacts to neighboring properties and public spaces, including potential shadow, wind, and lighting impacts, impacts of height and massing, and impacts to historic resources;
- b. An analysis of transition areas between the institution and adjoining neighborhoods, including identification of key character defining components of the surrounding context;
- c. An analysis of existing Crime Prevention Through Environmental Design issues and identification of how these principles would be addressed as part of the proposed campus development;
- d. A conceptual built environment/public realm plan, representing the synthesis of the analysis and including a set of guidelines for urban design, landscape, open space, and streetscape treatments, with particular attention to the treatment of edges (both within and abutting the IOZ boundary) to achieve compatible transitions.

v. Neighborhood Engagement

- a. A plan for ongoing community engagement that represents best

practices, promotes collaborative problem solving around community concerns, fosters transparency, and identifies mechanisms for neighborhood feedback and institutional accountability;

- b. A property management framework that identifies the institution's process for handling operational property issues with neighbors;
- c. Strategies for assuring communication pertaining to property acquisition and disposition in surrounding neighborhoods;
- d. A set of construction management principles, to apply to all institutional construction, that represent best practice, aim to minimize short- and long-term construction impacts on surrounding residents and businesses, and ensure a clear communication strategy is in place in advance of construction.

(d) Standards of Review. The IDP shall:

- 1. Address all content requirements, unless explicitly modified by the Planning Authority or Planning Board;
- 2. Reflect the issues/topics identified in the required public process;
- 3. Demonstrate consistency with the city's Comprehensive Plan and the purpose of this ordinance;
- 4. Demonstrate how the property ownership, proposed growth, and requested Regulatory Framework relate to the institution's mission;
- 5. Demonstrate that traffic and parking impacts have been anticipated and that the proposed parking provision is justified as based on an assessment of options for reducing traffic and parking demands;
- 6. Outline an approach to open space, natural, and historic resources that supports preservation and enhancement.
- 7. Demonstrate that potential cumulative environmental impacts have been anticipated and can be minimized or satisfactorily mitigated;

8. Demonstrate that utility impacts have been anticipated and can be minimized or satisfactorily mitigated;
9. Reflect a comprehensive design approach that ensures appropriate transitions with the existing or future scale and character of the neighboring urban fabric;
10. Promote compatibility with existing or future uses in adjacent neighborhoods, maintain housing, and support local amenities;
11. Anticipate future off-site improvements that would support the integration of the institution into the community and city-wide infrastructure;
12. Conform with Portland's Historic Preservation Ordinance standards for designated landmarks or for properties within designated historic districts or designated historic landscapes, if applicable. When proposed adjacent to or within one hundred (100) feet of designated landmarks, historic districts, or historic landscapes, the IDP shall be generally compatible with the major character-defining elements of the landmark or portion of the district in the immediate vicinity; and
13. Incorporate strategies to support clear communication and ongoing public engagement between institutions and nearby neighbors.

(e) Approval. Upon finding that an Eligible Institution's IDP meets the standards of review, the Planning Board shall approve, approve with conditions, or deny an IDP.

(f) Monitoring. The IDP shall establish a schedule for reporting on IDP implementation at regular intervals of not more than ten years from the date of approval of the initial or amended IDP, and identify thresholds for IDP amendments;

(g) Amendments. An approved IDP shall guide campus development unless and until amended. If at any time the Eligible Institutions request minor amendments to an approved IDP, the Planning Authority may approve such minor amendments, provided that they do not constitute a substantial alteration of the IDP and do not affect any condition or requirement of the Planning Board. The applicant shall apply with a written statement of the proposed amendment and proposed amended IDP to the Planning Authority, whose decision as to whether the amendment is minor shall be final. Major amendments shall be reviewed by the Planning Board. When the IDP is amended, the baseline data in the IDP shall be updated as appropriate.

14-281. Regulatory Framework

(a) Purpose. The Regulatory Framework translates the IDP into a set of clear and specific zoning requirements for the IOZ that constitute the text and map amendments to the City's Land Use Code and Zoning Map. The zoning requirements are anticipated to include parameters that guide the growth and change of the institution as well as broad strategies to address potential impacts, with plans and details to be developed under site plan review.

(b) Applicability. The Regulatory Framework shall apply only to properties that are within the IOZ boundary and to which the Eligible Institution holds right, title, or interest. For these properties, the Institutional Overlay Zone shall supersede the underlying zoning, and all new institutional development shall be conducted in compliance with the Regulatory Framework and the approved Institutional Development Plan. Properties located within the Institutional Overlay Zone not subject to right, title, or interest of the Eligible Institution shall continue to be governed by the regulations of the underlying zoning designation.

(c) Uses. Institutional uses, including hospitals and higher education facilities, shall be permitted, as shall uses that are functionally integrated with, ancillary to, and/or substantively related to supporting the primary institutional use, consistent with the applicable approved IDP.

(d) Content. The Regulatory Framework shall reflect the information and analysis of the IDP. The content shall be tailored to address the particular issues associated with the institution and its neighborhoods. The Regulatory Framework should be succinct and use tables and graphics as possible to address the following, if applicable:

1. Zoning boundary of the IOZ: The area to which the regulations apply, as shown on the zoning map, subject to other provisions of this ordinance (i.e. the map amendment to the City's Zoning Map);
2. Phasing and schedules: Requirements that relate to particular proposed phases; a chart showing the schedule or thresholds for submitting an amended IDP (or elements of an IDP, such as a Transportation Demand Management (TDM) Plan);
3. Uses: Clarification, as necessary, on permitted uses.
4. Dimensional Requirements: Graphics, sketches, or standards, including details for transition zones within the IOZ boundary;
5. Transportation: Elements such as TDM trip reduction targets or contribution to area-wide TDM measures; broad parameters for ensuring pedestrian, vehicular, bicycle and transit access and safety; parking ratios

and management strategies; thresholds for access improvements;

6. Environment: The approach to the inclusion of open space and preservation of environmentally-sensitive areas;

7. Mitigation measures: The broad approach to identified mitigation measures, which would be addressed in greater detail in the site plan review process; thresholds for addressing deficiencies; goals for preservation/protection;

8. Design: Graphics and standards to clarify building placement and envelope (height and massing); guidelines for integration of site features; required treatments for transition zones and treatment for all edges (both within and abutting the IOZ boundary); guidelines for establishing campus identity; and

9. Neighborhood Integration: Thresholds and strategies for neighborhood engagement; mitigation of impacts on neighboring properties, including construction impacts; buffering requirements; objectives for pedestrian linkages and safety; other requirements that address community concerns.

10. Monitoring: A schedule for regular monitoring reports on IDP implementation in accordance with the IDP.

(e) Standards of Review: The Regulatory Framework shall:

1. Be consistent with the Comprehensive Plan and the Institutional Development Plan;

2. Provide a clear zoning framework, using graphics and tables as appropriate, to apply to future site plan reviews;

3. Provide specific regulatory statements as appropriate that respond to concerns raised during the required public involvement; and

4. Outline measurable goals and thresholds for improvements or other actions identified in the IDP to be advanced in subsequent site plan applications.

(f) Approval/Adoption. The Planning Board shall review the proposed Regulatory Framework against the standards of review and make a recommendation on the institution's IOZ designation and Regulatory Framework to the City Council for adoption as part of this zoning ordinance.

(g) Amendments. A Regulatory Framework and IOZ boundary as adopted by the City Council shall remain in force unless and until amended. Amendments to a Regulatory Framework and/or IOZ boundary may be brought forth by the city or Eligible Institution. Proposed

amendments to the IOZ boundary or Regulatory Framework shall be reviewed by the Planning Board and adopted by the City Council subject to the provisions of this ordinance.

14-282. Reserved.

* Editor's note. Order No. -16/17, adopted May , 2017, provided that the Regulatory Frameworks, as they are adopted by the City Council for each Eligible Institution, shall be codified within this section.

City of Portland Preliminary comments on the April MMC IDP --- 5.2.2017

Below please find the combined comments of City Staff relating to the draft IDP:

1. Existing Conditions

- Tables 2.3 and 3.3: Daily Census: Does this include volunteers serving in the hospital?
- Figure 2.3 Map of MMC Owned parcels: Note that South parking lot, and maybe one other parking lot on Brackett Street, are not shown.
- Figure 3.4: Please revise to show correct location for the Gilman Street Garage.
- Public engagement in IDP: Please expand list of concerns to include that addressed later in IDP, such as heights and construction impacts.

2. Comprehensive Plan Analysis: Please update to reflect the latest version of the Comprehensive Plan.

3. Transportation

- **Alternative Modes and TDM:**
 - *Existing Conditions Analysis:* Please expand existing conditions analysis to more fully describe the range of existing access options, particularly re pedestrians, cycling and public transit, for example:
 - The IDP should include a broader description of walking and conditions for walking (e.g. this might be the place to reference the need for ADA improvements and sidewalk materials);
 - Figure 2.6: Could this be widened to address non-car access by adding bus stops;
 - Are the quoted transit costs weekly?
 - Figure 2.8: Include actual data from “Getting on Board” re mode split (even if data collection is not perfect, survey data seems to be under-representing bike share
 - *Future TDM Strategies:*
 - Please provide the TRIMMS Model spreadsheets regarding trip reduction estimates;
 - The IDP will need to reevaluate the TDM target based on existing mode split, model, and comps, confirm the target date, and clarify how progress will be monitored to feed into future parking need/adjustments to parking provision;
 - Table 2.9: This graphic could be clarified to provide a better understanding the headings/legend etc.
 - See *Attachment 1* (comments re MMC TDM Concepts).
- **Parking:**
 - *Alternative locations for new parking garage(s):* Please flesh out discussion of Gilman garage/St. John garage options, including what will happen on the Gilman Street site if the garage on St Johns is constructed.
 - *Parking Data Requests:*
 - The IDP would benefit from additional data on existing parking utilization. We understand that a windshield survey was performed, but formal parking occupancy counts were not performed. We suggest that parking occupancy surveys be performed.
 - Please explain how existing and future parking need was derived (i.e. provide the back-up calculations on the current and future projected parking demand estimates (including findings from TRIMMS)?
 - If showing comparables, add some regional examples which seem more 'comparable.' Can comps be shown with different metric (e.g. spaces /employee)?
- **Traffic Generation:** See *Attachment 2* (comments re Traffic (counts and associated data))(Assume Traffic Study Analysis and proposals to be added and reviewed in next submission.)

4. Infrastructure

- **Stormwater and Sewer Capacity:** Please expand and clarify analysis to reflect the fact that there are existing capacity concerns in the combined sewer system, and that any increase in the sewer flow will impact the ability to handle stormwater flows. Given this issue, the IDP should include strategies to achieve a substantial reduction in the anticipated volume of discharge into this system, including:
 - Routing of stormwater to the separated system, where possible;
 - Incorporation of storage infrastructure (e.g. Gilman Garage likely to be required to incorporate a subsurface chamber system with a pump system to discharge into A Street storm drain system);

- Green infrastructure (e.g. green roofing; removal of impervious area, and subsurface chamber system), particularly where the discharge is to a combined system;
- Reduction in sanitary flows to provide capacity for increases in stormwater flows (e.g. sanitary demands and pollutant loads could be reduced by composting food waste instead of using the current grinder system, installing grease interceptors (large volume or many small) as part of overall upgrades to the system).
- Note that changing the location of the discharge points would not provide any benefit to the combined system; may have to relocate or install another Downstream Defender or possibly connect to the separated system.
- **Detailed Data Requests:**
 - Figure 2.15: Can the figure show the general delineation where the 6.3 acres of the campus has been separated and drains to A Street?
 - Figure 2.15: Consider adding the 5 sampling locations in the Industrial Pre-treatment Permit (IPT) with the City of Portland. Is it possible to identify unknown sewer connections at this time? If not, can these be addressed through future planning efforts?
- **Other Utilities:** Address water supply and Unutil's SURE program (they plan significant work in the area for 2020-2022).
- **Operational Impacts:** Consider expanding to clarify the potential impacts or issues that may need to be addressed, including:
 - IPT program and sampling locations may need additional sampling points;
 - Other Impacts to City Infrastructure: Cross reference to other infrastructure covered elsewhere (e.g. roads, sidewalks);
 - Traffic signal systems and pre-emption for emergency vehicles.
- **Street Lighting:** Expand to note that Congress from St. John to State is included in the Downtown Lighting District, and that MMC may need to install additional Downtown District special street lights when sites (e.g. Gilman Street block) within the IOZ are redeveloped. Mention potential collaboration regarding the City's LED Street Light conversion project.
- **Sustainable Operations:** Consider adding a section regarding proposals for capital investment in sustainable features or goals for energy reduction as part of the expansion program (e.g. reflecting various references to green roofs, possibly solar panels, and LEED accredited buildings).

Historic Resources

- **Western Promenade:** Please clarify how the campus will integrate with/enhance the Western Prom, which abuts the "Upper Campus" (e.g. proposals include building heights that imply new development over what are also identified as protected open spaces around an historic building; the original hospital is shown as "continued investment cautioned" on Figure 2.2 and this is a concern). The Western Promenade is a well-used amenity for the hospital, and the city's objective is to enhance this area including showcasing of existing distant views.
- **Vaughan Street Parking Lot:** Please include this lot in the long term plan (Figure 3.4) and indicate intentions for this site.
- **Detail/data requests:**
 - Include analysis of how proposed buildings will impact views from the Western Promenade to the west and northwest, based on the proposed maximum building heights;
 - Figure 2.2: Labelling buildings would be helpful;
 - Note that the West End Historic District and Western Promenade Historic Landscape District are designated both nationally and locally.

Design

- See Urban Design comments in *Attachment 3*.
- **Neighborhood Transitions:** Clarify the location of "East Upper Campus"; and "Upper Campus" abuts the West End Historic District.
- **CPTED:** Please expand CPTED discussion to fully address local issues and public comments (e.g. loitering etc.) Note that lighting within the campus, and between the campus and any more remote parking facilities, is important.

- **Landscape:** Please add discussion of landscape framework (e.g. Figure 6.2: how will a series of landscape spaces play out in reality?)

Neighborhood Engagement

- **Ongoing engagement**
 - Consider exploring additional mechanisms to promote healthy relationships with neighbors.
 - Consider strategies for communication around acquisition and divestment).
 - Please expand snow ban parking discussion to refer to how current situation under Contract Zone will be continued.
- **Construction engagement**
 - Please include a commitment to meeting with businesses early to consider how to mitigate impacts.
 - Define 'MFP Project,' as this is the first time this language is introduced.
 - Consider ways to mitigate construction impacts and economic hardship for neighbors and businesses.

Regulatory Framework

- **Comments/questions re proposed provisions:**

IDP Regulatory Framework No.	Subject	Comments
1	Boundary	Since housing areas are now within the boundaries, IDP should address intent, also address divestment of existing (formerly) residential properties.
Table 2.1:	Thresholds for Plan amendments	What is the basis of the 800KSF threshold? Is this whichever is first? TDM updates and monitoring (proposed at 5 years for both) are too infrequent and discussion on p. 61 should explain.
3	Uses	Suggest further discussion on extent to which (for example) residential apartments would be limited to medical students only and how uses are linked to current zoning options (eg re guest houses).
Table 4.1	Dimensional Requirements	Is 40 feet on Congress Street too great a build-to line? What is the basis of the 70% of façade facing congress Street? Transition Zones (iii) should include height as well? Also see the <i>Preliminary Design Comments</i> attached.
Map 4.1	Building Heights map	Doublecheck McGeechy Hall height.
Maps 4.1 and 4.2	Building heights and Transition Zones	Look carefully at Gilman height/transition. Public comment pointed out that St John and Valley Street labelling is incorrect to north of Congress.
5 Ai:	Sidewalk material	Define 'alternative material substantially similar to that used along sidewalks abutting Bramhall Street entrance?'
5B	TDM Trip Reduction Target	Target of 65 (presumably SOV) trips in three years needs reconsideration; note PB urging rethink of car culture- MMC leadership re TDM. Strategic initiatives might be mentioned.
5D	Parking provision	Parking numbers should match the demonstrated need shown in the IDP. Perhaps express these as a ratio? Or provide a range?
6	Site Plan review items	As written this could imply that other "usual" site plan requirements would not be considered by the Planning Board during the review.
7A	Other Requirements	Helipad Requirements- these have not been mentioned in the main part of the IDP except re potential issue of noise. How do these regulations relate to the existing ones and are there any issues that have come out of the flight monitoring (required in Contract Zone) that need to be addressed when its relocated?
7	Other Requirements	Does this include all other Contract Zone commitments that might reasonably be brought forward?

- ***Other items suggested to be added/addressed, with specificity and or references back to IDP sections or plans:***
 - Landscape strategy
 - Commitment to activations of Congress St through ground floor mixed uses that serve community and MMC
 - Design standards
 - Clarification of how MMC has RTI re partnerships that construct parking or other facilities for their use
 - Intentions re Chadwick, West, Vaughan/Bramhall where IDP indicates they should be given “additional consideration”
 - Commitment re Construction Mitigation and Communication
 - Commitment to engagement with neighborhood residents and local businesses

The IDP should consider a phased approach to TDM that will allow Maine Med to build and modify the TDM program over time based on sound data and respond to evolving regional thinking on TDM. The goal of the first phase could be to prioritize a few short-term actions meant to build solid baseline data on the hospital population's current travel characteristics, immediately enhance travel options in and around the hospital, and reduce demand for single-occupancy vehicles.

The first phase could build on the prior work of the Get On Board program and include the following:

1. **The hiring of a full-time TDM coordinator** to oversee data collection and promote the TDM program (This appears in the IDP, but the plan does not specify a full-time position.)
2. A comprehensive, continuous effort **to collect and analyze data** on:
 - a. employee, patient, and visitor travel characteristics
 - b. parking demand and utilization, and
 - c. the potential for changes in travel behavior
3. **Improved parking management**, including modified employee pricing to better align with the actual cost of parking and the development of a cash-out option (which provides an incentive not to use parking)
4. **A program to encourage METRO ridership**, including:
 - a. support for service adjustments (e.g. to improve headways or extend hours of operation)
 - b. enhanced employee subsidies
 - c. the development of services that facilitate use (e.g. kiosks in the hospital displaying real time bus information, premium shelter at new hospital entrance, and marketing and promotion)
5. **Infrastructure improvements that support walking and bicycling**, such as:
 - a. the development of bikeways identified in the city's long-range plans
 - b. the integration of additional covered bicycle parking
 - c. and sidewalk, crosswalk, and streetscape improvements on key pedestrian routes

In addition to these, the hospital should review opportunities to enhance carpool/vanpool matching (see the existing IDP language), telecommuting options, satellite parking options, and the Guaranteed Ride Home system (how does this currently work?).

Lastly, the Regulatory Framework should include language that requires reporting within a specified period following implementation of this first phase of the TDM plan, with subsequent plan modification and review.

Comments Related to Traffic Information Provided by Randy Dunton on April 20, 2017

- Please document the duration of the AM and PM peak period counts that were used to determine the peak hours noted.
- The information on reassignment of employee trips only accounts for trips associated with those to be shifted from the employee parking garage. The assignment should be conducted for all parking sources for MMC. If consolidation of parking facilities is occurring (Gateway Garage and surface lots) those should also be included.
- The employee traffic levels at the garage are low considering employee figures. We recognize that shift times are a major factor and the turning movement volumes reflect adjacent street traffic peak volumes conditions, which is an acceptable method. With that said we would like to fully understand employee trip generation over the shift time periods, inclusive of all parking supply locations. We suspect this information has not been collected and would be labor intensive to collect. A method for providing this information should be suggested for review and approval by City staff. Please correlate/cross-check the data of traffic entering and exiting the employee garage with known employee shift data and drive mode share.
- Related to the comment regarding employee garage data for entering/exiting traffic from the employee garage, we'd like to get a better understanding of visitor entering/exiting traffic levels during the AM and PM peak hours. As with employees, visitor traffic levels during the AM and PM peak hours seems low and may reflect specific appointment time variation. Some discussion on how visitor traffic varies throughout the day is suggested. Please correlate this visitor garage traffic data with the other known data on fluctuations of visitor/patients to the hospital.
- Additional counts will be required to address seasonal traffic volume adjustments. As previously discussed, the locations to be re-counted will be identified by City staff following acceptance of an approved trip generation re-assignment exercise. Please provide information to indicate all intersections that meet the TMP-specific thresholds for traffic analysis to be included in the analysis.

Design Goals and Vision

- Design goals listed in draft IDP – Staff supports these goals; they are logical given the context and specific site conditions.
 - o A campus that belongs in Maine and engages the surrounding community
 - o Natural environment is an important source of inspiration for the campus design – the future campus will create a seamless transition between the bucolic character of Western Promenade and the urban condition
 - o The campus extends its reach down from the top of the hill to engage with the community along Congress Street
 - o Holistic design approach that gives coherence to the overall campus
 - o Site plan will give special attention to the neighborhood context
- Because of its topography, building scale, and geographic location, MMC site plays de facto gateway role on two scales – the approach to the city from 295 and the eastbound Congress Street approach. Staff would like to see a goal that acknowledges this gateway function for future design thinking.
- Planning Board commented on the desire to have design goals clearly expressed in the document and lead to resulting regulating framework. Specifically recommended was a goal around quality of design.

Site analysis

- Context Defined - Four contexts identified in draft IDP:
 - o Congress Street
 - o Valley Street
 - o East Upper Campus
 - o Upper Campus
- Analysis: Staff is in the process of evaluating the proposed dimensional regulations – most important is the relationship of potential new development in relationship to the West End neighborhood, Gilman Street, and Congress Street contexts.
- Impacts: Compare existing vs. proposed impacts (height, wind, shadow)
- Issues: Identify any current site or design issues (safety, lighting, grading, circulation/access, sidewalk conditions, etc.) that future plans might address and state them as design goals.

Regulating Framework

- More explicitly describe how the goals and site analysis lead to the design regulatory framework. Include more explanation – visual or written – on how the heights, setbacks, and transition zones were arrived at. Applicant will provide typical sections at Congress, Gilman, and West End South Lot to better explain these height and massing relationships to the context.
- In the instances where existing historic buildings will remain, confirm the heights shown or revert to existing zoning height maximums.

- Clarify the status of the private “Protected Open Spaces” shown in the document and consistently show them in the regulatory framework graphics. Are these spaces never to be built on or is there a different label to describe them?
- Design guidelines: Staff proposes the following strategy for design guidelines to the IOZ:
 - o Developments relating to the West End historic district will be subject to the existing Historic Preservation Board design review process
 - o Staff will work with the applicant to develop design guidelines for developments relating to residential context not protected by the historic district that ensure sensitive transitions. The height, transition areas, and setbacks will be the primary regulations for this context.
 - o Staff will work with the applicant to develop design guidelines for developments relating to Congress Street that meet the goals and intent of the Downtown Vision Plan and Urban Design Guidelines. Staff agrees with applicant that activation of Congress Street frontage is an important goal. There is concern from the Planning Board regarding the placement of several parking structures on Congress Street which should be the most active of the campus’ frontages.

**DRAFT 6-7-2017 General Construction
Management Plan Template**

**Construction Management Plan
General Template**
[Applicant and Project Name]

Construction Management Plans shall depict the overall planning, coordination, and control of a construction site, including phases as applicable, from beginning to completion. The City's goal for a construction management plan is to support a safe construction site and protect the public safety, accessibility (including preserving accessible pedestrian, bicycle, and vehicular modes of transport throughout the city), and welfare during construction. In addition, the construction management plan shall minimize construction impacts in their duration and magnitude to the surrounding area and develop an effective communication process for resolving concerns and conflicts.

The Construction Management Plan will be submitted as part of the Site Plan Review and it shall address the construction logistics for a project. The Construction Management Plan shall include the following submissions: 1) a construction management site plan, 2) a construction schedule (time frame); and 3) a written narrative addressing the categories below.

A. Construction Management Principles

The following narrative provides an overview of the construction management principles that the [Applicant and Contractor] has identified to minimize impacts from the construction, such as noise, vibrations, ground movement, truck traffic, and other construction related factors to the surrounding building and communities.

B. Development Review of Construction Management Plan

[Applicant and Contractor] shall submit a construction management plan that provides a comprehensive logistics and safety program for the construction project, which will be reviewed and approved as part of the site plan review process. The plan minimizing impacts to areas surrounding the building/construction site will be primary considerations in the process. The following details define the intended approach to the successful management of the project construction and the construction management plan will address the general conditions contained below.

C. Performance Guarantees, Inspection Fees, Preconstruction Meeting, and Permits

Prior to scheduling a preconstruction meeting and the issuance of any city required permits, [Applicant and Contractor] shall meet all of the requirements contained in Section 14-530. Development review fees and post approval requirements and 14-532. General requirements and enforcement of Portland's Land Use Code.

Other permits, as applicable, include

1. **Street Opening and Street Occupancy Permits:** Construction activity in the public right-of-way are controlled by Chapter 25 and sewer and stormwater system connections are controlled by Chapters 24 and 32 of the Land Use Code. All required permits shall be obtained through the Department of Public Works and the requests shall conform with the approved construction management plan.

2. **Blasting:** Blasting, if required, shall conform with all measures of Article VIII. Regulation of Explosives in the Land Use Code and Section 3.7 Standards for Blasting and Regulation of Explosives in Portland's Technical Manual.

D. Construction Administration and Communication

[Applicant and Contractor] will work diligently to implement a communication strategy as outlined below. The communication strategy is intended to ensure that all construction operations are performed in accordance with all agreements, ordinances and special permits applicable to this project. The Construction Manager will work closely with adjacent abutters, businesses and all parties informed, as far in advance as possible, of scheduled work, particularly work anticipated to cause significant noise, vibrations, or dust. The final construction management plan shall provide for the following:

1. Contact Person and contact information for the [applicant and contractor] and who is available 24 hours
2. Construction Signage posted on the site with Contact Information for Contractor
3. Describe any additional communication strategies
4. All construction site signage is temporary and shall be removed at project completion.

E. Construction Schedule

1. The contractor shall submit a schedule or time line for the construction project, including any Phasing.
2. Hours of Construction. Construction may occur during the daytime hours as defined in Section 17-18. Construction Activities for Building permit (Attachment 1) and Section 25-129. Noise, dust and debris (Attachment 2).
3. Extended Hours or Night Work: Pursuant to Section 17-18, this section not apply to emergency utility work or "Situations where the public works authority or the office of building inspections determines that the construction activity is of a unique character which cannot reasonably be completed or performed during the permitted hours and which is not of a recurring nature, provided that prior to engaging in such activity the contractor or his representatives gives notice of the time and scope of such proposed activity, the notice to be given in a manner approved by the public works authority."
4. Material Deliveries: Schedule and designated location for delivery of materials and boxed goods.

F. Security & Public Safety

1. The Construction Management Plan will depict all proposed fencing or other barriers and access gates (with Knox locking devices) with the intent of separating pedestrian and vehicle circulation from the construction site.
2. Structures undergoing construction, alteration, or demolition operations, including those in underground locations, shall comply with NFPA 1 Chapter 16. *Safeguarding Construction, Alteration, and Demolition Operations*.
3. Fire Safety Program. An overall construction of demolition fire safety program shall be developed. Essential items to be emphasized include the following:
 - o Good Housekeeping
 - o On-site security
 - o Installation of new fire protection systems as construction progresses
 - o Preservation of existing systems during demolition

- Organization and training of an on-site fire brigade
 - Development of a pre-fire plan with the local fire department
 - Rapid communication
 - Consideration of special hazards resulting from previous occupancies
 - Protection of existing structures and equipment from exposure fires resulting from construction, alteration, and demolition operations
4. Blasting, if required, shall conform with all measures of Article VIII. Regulation of Explosives in the Land Use Code and Section 3.7 Standards for Blasting and Regulation of Explosives in Portland's Technical Manual.
 5. Any proposed temporary security lighting shall be shown on CMP and all fixtures shall be full cutoffs.

G. Construction Permitting and Traffic Control Plans

1. Construction Activity in Public Streets: Construction activity in the public right-of-way is controlled by Chapter 25 Article VII of the City Code of Ordinances. Required licenses and permits, restrictions on activity, and fees & area are outlined in that Chapter. Rules and Regulations for Excavation Activity are available through the Street Opening Clerk at the Department of Public Works. At no time can construction activity including delivery vehicles close or block streets or affect public safety access without prior notice and approval of the Department of Public Works.
2. Sewer and Stormwater: Sewer and stormwater water system connections are controlled by Chapters 24 and 32 of the City Code of Ordinance. Required permits for new connections and/or abandonment of existing connections are available through the Street Opening Clerk at the Department of Public Works. Rules and Regulations for these utility systems are available through the City Engineer's office of the Department of Public Works and in Section II of the Technical Manual.
3. Traffic Control Plans: Construction activity that impacts the existing public street system must be controlled to protect the safety of the construction workers and all modes of the traveling public. Projects that will occur along arterial and or collector streets are required to submit a satisfactory 'maintenance of traffic' (MOT) plan prior to any site plan, subdivision, or street opening permit approval. MOT plans may be required for projects that have impacts on local streets.

Maintenance of Traffic (MOT) plans shall provide for the safe passage of the public through or along the construction work zone. On a case-by-case basis, applicants may be allowed to close a street and/or detour a mode of traffic when absolutely necessary for safety. MOT plans shall employ the appropriate techniques and devices as called for in the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD). In addition:

- Construction speed signing may be used as needed to slow traffic
- Traffic Control signs shall not be placed where they are an obstruction to bicycles or pedestrians.
- In extreme situations, flaggers may be required.

- Police detail is required at lighted intersections and may be requested by the City's transportation engineer or his designee.

All existing modes of travel in work zone area shall be accommodated if impacted by the activity. The safe passage of pedestrians, bicyclists, transit providers, and motorists are of equal importance when planning out the work zone; no pre-existing travel mode may be eliminated without the express approval of the Department of Public Works. The MOT should also address on-street parking impacts, including deliveries and parking for adjoining businesses and property owners, analysis of roadway capacity or diversion capacity if street closure or change to roadway capacity is required, and coordination with other on-going or future construction or utility projects in the vicinity.

- Traffic control bicycle and pedestrian facilities or routes through work zones shall be maintained until the bicycle and pedestrian facilities or routes are ready for safe operation. Traffic control will not be removed to allow auto travel at the expense of bicycle and pedestrians.
- Barrier systems utilized to separate the construction activity from the public street and /or sidewalk shall not inhibit sight distances, particularly for visibility of pedestrians and bicyclists.
- ADA compliance shall be maintained.

Use of public parking spaces or the blockage of any portion of sidewalk for the purpose of construction activity shall require an occupancy permit and appropriate fee as assessed by the Department of Public Works.

H. Site Management and Controls

The final Construction Management Plan will address maintaining the site in a safe condition and will include the following:

1. Regular trash and debris removal
2. Street cleaning and damage controls
3. Dust controls- The construction shall comply with Portland's requirements under Section 25-129 on Noise, dust and debris (Attachment 2).
4. Noise: The construction shall comply with Portland's requirements under Section 17-18 of the City Code (Attachment 1) and Section 25-129 on Noise, dust and debris (Attachment 2).
5. Rodent Control will be provided, if applicable, by a professional exterminator and consistent with Chapter 22 of the City Code.
6. Snow Removal: Pursuant to Section 25-173 Contractors to ensure a safe means of travel within the work zone.
 - 1) Snow/ice removal or commence automatically from (1" of snow and up) or Ice
 - 2) Remove snow as needed within the work zone, including parking spaces & not to block any driveways or site lines with the piles of snow.
 - 3) Clear all walks & ramps with the work zone
 - 4) Sand or Salt as needed
 - 5) Clear all basin or drainage to help snow melt
 - 6) This would include Monday-Friday Sat/Sunday/Holidays

I. Erosion Control and Preservation of Trees

1. The [contractor] shall install all erosion and sedimentation controls as depicted on the approved erosion and sedimentation control plan prior to the pre-construction meeting for inspection by the City. The contractor shall regularly inspect the control measures, no less than weekly and after significant storm events, and maintain any installed temporary or permanent stormwater management systems in working order. The contractor shall document all inspection activities and corrective actions and be prepared to provide these documents for inspection by the City, Maine Department of Environmental Protection or the U.S. Environmental Protection Agency upon request.
2. The [contractor] shall maintain all tree and landscaping preservation measures as depicted on the landscaping plan (Exhibit) within the area of construction.
3. The storage of materials shall be identified and avoid being located under/near trees.

J. Construction Staging Area

1. The Construction Management Plan shall depict location of the material staging areas, the location on onsite temporary construction trailers, the location on onsite truck delivery holding areas, the location onsite truck washing stations, masonry mixing stations, the general location of the construction security fence and the general location of temporary construction dumpsters. An open storage areas shall be shown on the plan.
2. Delivery Truck Holding Areas On-Site: The delivery holding area shall be shown on the plan and shall not be blocked during construction. On days when the construction activities require multiple truck deliveries, these deliveries will be carefully scheduled so that there is always adequate on-site area for the holding of the trucks until they can be unloaded. Once at the site all vehicles well be brought within the fence line and will make every attempt to avoid queueing on public streets.
3. Delivery Truck Holding Areas Off-Site: In the event that adequate on-site area for holding of trucks is not available, an off-site marshalling area will be utilized for trucking. The designated off-site location will be identified in the construction management plan.

K. Parking During Construction

1. Construction Parking: Adequate parking for construction workers shall be provided on site or arrangements for off-street parking at an off-site location shall be provided. The parking arrangements shall be included in the construction management plan.
2. Parking: Where existing facilities are remaining in operation during construction, the construction management plan shall identify how the parking for employees and others shall be managed.
3. Truck Routes and Volumes: The Construction Management Plan shall address the designated truck routes and expected truck volumes.

L. Special Measures as Necessary

For construction work that will take place over a long period (e.g. 12 months or more), involve major demolition/ deep excavation/ piling and/or special construction techniques, or are located near sensitive uses (e.g. medical care facilities, schools), the Construction Management Plan should provide details and demonstrate that all appropriate special measures have been taken to avoid, minimize, or possibly compensate for potential impacts. This may include taking baseline measurements before construction, such as arranging to

photograph the foundations of nearby properties upon consent of the owners, in order to assess any future impacts of vibration, noise, etc.

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4. DIMENSIONAL REQUIREMENTS

Building Heights (min.)

Transition Zones: Two stories

Three stories

Congress Street Build-to-Zone*

A Build-to-Zone is identified for some properties that abut Congress Street.

The Congress Street Build-to-Zone extends between 0 to 40 feet from the right-of-way boundary.

Buildings located in these parcels must have a minimum of 70% of the façade facing Congress Street located to provide continuity with the existing street wall, anywhere within the build-to-zone.

Transition Zones

Transition zones are identified inside the IOZ boundary in areas where the IOZ abuts or is located across a public right-of-way from a residential use district or a historic-designated district. See Map 4.2 for location of transition zones.

- i. Transition zones that abut a Residential District with an intervening public right-of-way that is not an alley shall comply with the height dimensional standards, have a height limit that matches the maximum height across in of thate Residential District.
- ii. Buildings located in transition zones that abut a Historic District may be subject to review by the Historic Preservation Board per the City of Portland zoning ordinance.
- iii. In areas where the IOZ abuts a Residential or Historic District without an intervening public right of way or an alley, minimum side and rear yard requirements of the abutting Residential or Historic District apply within the IOZ boundary.

DESIGN STANDARDS

The design standards for the Maine Medical Center Institutional Development Plan are intended to assist future development in the IOZ to meet the goals and vision for Maine Medical Center campus and create context-sensitive buildings.

1. To address the goals of creating a coherent campus and gateway to the city, the following standards apply to any new building development, addition, or alteration within the IOZ:
 - A. New development shall contribute to the campus identity, cohesiveness, and sense of place through design decisions such as form, material choice, and details.
 - B. The overall composition and experience of the campus shall be considered for cohesive identity from approaches along Congress Street and I-295.
 - C. Rooftop appurtenances shall be either screened from view or integrated into the building design and should not be visible from the adjacent streetscape, Western Promenade, either Congress Street approach, or long views such as from I-295.

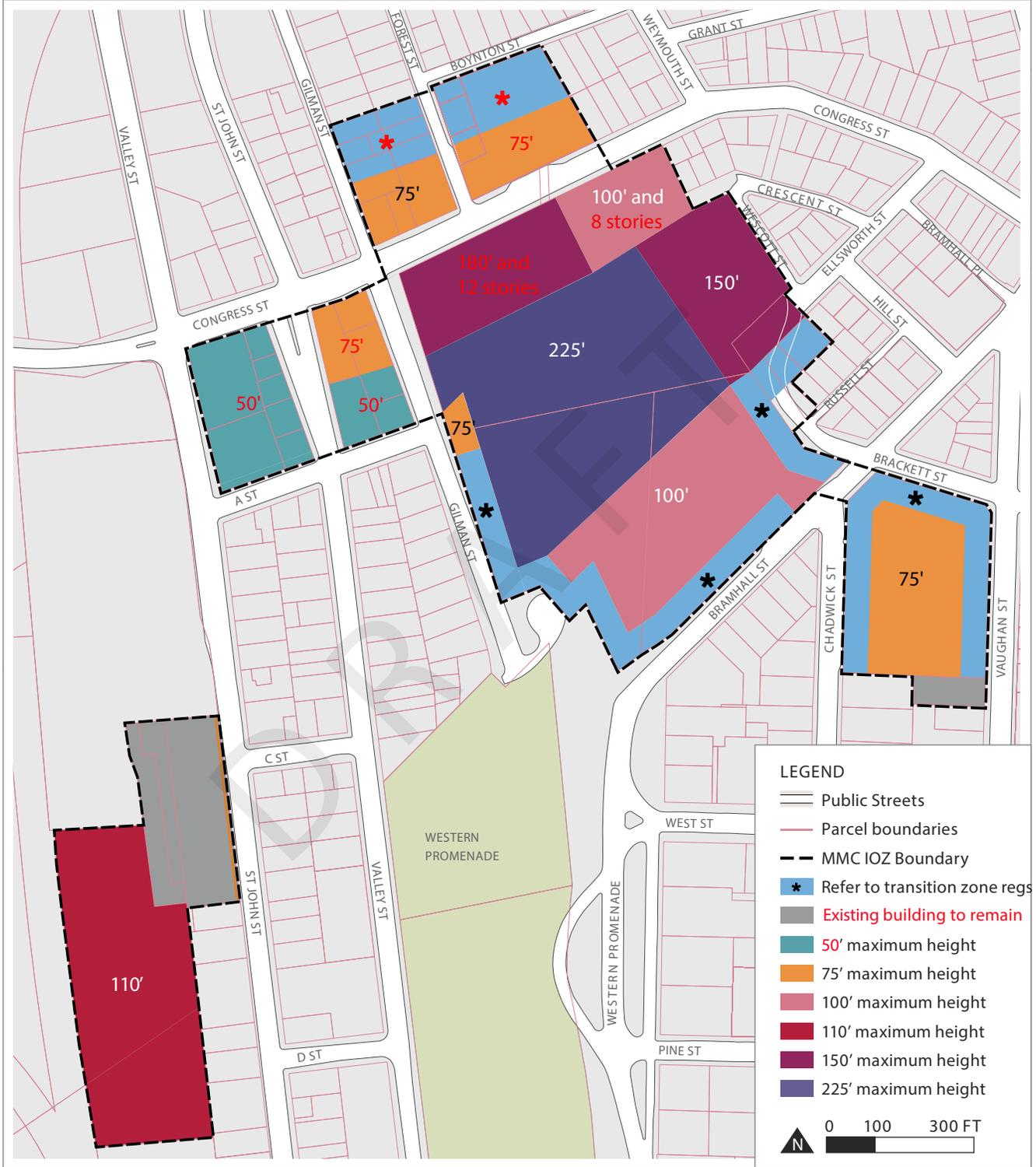
2. Where buildings have frontage on Congress, St. John, Valley, and/or Gilman streets, the following standards apply with the intent of providing pedestrian-oriented environments with safe and vital streets and active campus edges that sensitively transition between the institutional buildings and the existing urban mixed-uses:
 - A. Urban Street Wall: Buildings shall be located to create and preserve an urban street wall. Building facades and site amenities shall form a cohesive wall of enclosure along the streets. Where buildings are not located at the street line, site amenities, including walls, fences, and landscaping shall be placed along the street to provide a sense of enclosure or definition.
 - B. Building Orientation and Entrances: Building entrances shall be oriented toward, located adjacent to, and directly accessible from, a sidewalk in a public right-of-way. Major entry features should primarily address the street with entry courts, display windows, signage, lights, walkways, and vestibules, as appropriate.
 - a. Where buildings have frontage on Congress Street, principal building orientation shall be towards Congress Street.
 - C. Windows: Windows shall be required along the street frontage of a building. Windows shall be transparent (with a visible transmittance (VT) near .7) and installed at a height to allow views into the building by passersby. Limitations on transparency such as dark or reflective glass, or interior coverings should be avoided.
 - a. Where uses (such as office) are not conducive to transparent viewing with the public way, windows should still convey a sense of activity and presence along the street.

- D. Façade Character: Active and public portions of buildings (e.g. doors, windows, entries, retail displays) shall be oriented to and, where possible, be located adjacent to the public sidewalk to create an active presence along the sidewalk. Both day and nighttime comfort and security shall be considered in design strategies.
 - a. Where building facades situated along a public way on Congress, St. John, Valley, and/or Gilman streets have no interactive use or function, such facades shall be designed with sufficient architectural and graphic amenities to provide visual interest along the street and relate the building, and its use, to passersby.
 - b. Blank facades are discouraged. In some cases, due to topographic change or windowless interior uses which cannot be located in any other portion of the site, facades will be less active. The design of such facades shall incorporate significant features of visual interest which will maintain the human scale and interest to the pedestrian. Any such feature should relate positively to the character and scale of the remainder of the building and to the surrounding context. Such facades shall also address security and crime prevention through environmental design (CPTD) strategies shall be demonstrated.
 - E. Building Design: Buildings shall be designed to be compatible with their residential and commercial neighbors – design will include various architectural and graphic amenities to provide a strong presence along a street and relate a building to its community.
 - F. Building Materials: Façade materials of buildings shall be compatible with those materials of surrounding residential and commercial uses. Material choice and application shall also convey a cohesive identity across the campus.
 - G. Building Scale: Building scale must relate to and be compatible with surrounding structures achieved through massing, roof lines, architectural detail, and fenestration.
 - H. Landscaping and Buffers: Buildings and associated parking areas must be screened to buffer abutting properties. A densely planted landscape buffer and/or fencing will be required to protect neighboring properties from the impacts associated with the development, including lighting, parking, traffic, noise, odor, smoke, or other incompatible uses. Where buildings are setback from the street, a landscaped area must be planted along the front yard street line.
3. Where buildings have frontage on residential streets, the following standards apply to those portions of the building visible from the residential context with the intent of providing sensitive interfaces with surrounding predominantly residential neighborhoods:

- A. Overall Character: Building design shall contribute to and be compatible with the predominant character-defining architectural features of the neighborhood, especially in the transition zones.
- B. Scale and Form: Relate the scale and form of the new building to those found in residential buildings within the streetscape to which it relates, especially in the transition zones.
- C. Relationship to the Street: Respect the rhythm, spacing, and orientation of residential structures along the streetscape that contribute to and are compatible with the predominant character-defining architectural features of the streetscape to which it relates.
- D. Materials: Building facades shall utilize appropriate building materials that are harmonious with the character defining materials and architectural features of the streetscape to which it relates.

4. DIMENSIONAL REQUIREMENTS

MAP 4.1 Building Heights Map



4. DIMENSIONAL REQUIREMENTS

MAP 4.3 Map of Minimum Setbacks

